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6 Attorney for Defendant  
OMAR CASTRO-ALEJO

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Case No. 2:20-cr-169 WBS  
11 )  
Plaintiff, )  
12 ) **STIPULATION AND ORDER TO**  
vs. ) **CONTINUE STATUS CONFERENCE AND**  
13 ) **EXCLUDE TIME**  
OMAR CASTRO-ALEJO, )  
14 ) Date: May 17, 2021  
Defendant. ) Time: 9:00 a.m.  
15 ) Judge: Hon. William B. Shubb  
16 )

17 By this stipulation, the parties move to continue the status conference until June 21, 2021,  
18 and to exclude time between May 17, 2021 and June 21, 2021, under Local Code T4.

19 The parties agree and stipulate, and request that the Court find the following:

20 a. The government has produced discovery which defense counsel will need further  
21 time to review and discuss with the defendant because of the difficulties of communicating with  
22 Mr. Castro-Alejo at the jail during the pandemic.

23 b. Defense counsel believes that failure to grant the above-requested continuance  
24 would deny counsel the reasonable time necessary for effective preparation, taking into account  
25 the exercise of due diligence.

26 c. Based on the above-stated findings, the ends of justice served by continuing the  
27 case as requested outweigh the interest of the public and the defendant in a trial within the  
28 original date prescribed by the Speedy Trial Act.

1           d.       For the purposed of computing time under the Speedy Trial Act, 18 U.S.C. §  
2 3161, et seq., within which trial must commence, the time period of May 17, 2021 to June 21,  
3 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
4 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
5 of the Court's finding that the ends of justice served by taking such action outweigh the best  
6 interest of the public and the defendant in a speedy trial.

7           Nothing in this stipulation and order shall preclude a finding that other provisions of the  
8 Speedy Trial Act dictate that additional time periods are excludable from the period within which  
9 a trial must commence.

10  
11 DATED: May 11, 2021

Respectfully submitted,

12 HEATHER E. WILLIAMS  
13 Federal Defender

14 /s/ Noa E. Oren  
15 NOA E. OREN  
16 Assistant Federal Defender  
Attorney for OMAR CASTRO-ALEJO

17 DATED: May 11, 2021

PHILLIP A. TALBERT  
Acting United States Attorney


19 /s/ Justin Lee  
20 Justin Lee  
21 Assistant United States Attorney  
22 Attorney for Plaintiff  
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1 ORDER

2 The Court, having received, read, and considered the stipulation of the parties, and good  
3 cause appearing, adopts the stipulation in its entirety as its order. The Court specifically finds  
4 that the failure to grant a continuance in this case would deny defense counsel reasonable time  
5 necessary for effective preparation, taking into account the exercise of due diligence. The Court  
6 finds that the ends of justice served by granting the continuance outweigh the best interests of the  
7 public and defendant in a speedy trial. Moreover, the ongoing COVID-19 pandemic has led to  
8 the suspension of jury trials in this district since March 17, 2020, and the General Orders of this  
9 court issued in connection with the pandemic allow for continuances and the exclusion of time  
10 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required.  
11 General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial  
12 Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial  
13 emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl.  
14 in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

15 The Court orders a status conference on June 21, 2021, at 9:00 a.m. The Court orders the  
16 time from May 17, 2021 up to and including June 21, 2021, excluded from computation of time  
17 within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18  
18 U.S.C. §§3161(h)(7), and Local Code T4.

19  
20 Dated: May 11, 2021

21   
22 WILLIAM B. SHUBB  
23 UNITED STATES DISTRICT JUDGE  
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